



Ministry for the
Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	Responsible for RMA Reform
Name of package	Proactive release of Cabinet papers - Updating RMA National Direction	Date to be published	30 July 2026

List of documents that have been proactively released

Date	Title	Author
2 June 2026	Updating RMA National Direction - NES for Papakainga - Approval for submission to Executive Council 26-CAB-00820	Ministry for the Environment
28 May 2026	Cabinet Legislation Committee Minute LEG-26-MIN-0110	Ministry for the Environment
2 June 2026	MARKED UP Report of the Cabinet Legislation Committee Minute CAB-26-MIN-0186	Ministry for the Environment
30 April 2026	MARKED UP Updating RMA National Direction – Ministerial consultation on draft Cabinet legislation paper – New NES for Papakāinga 26-BRF-00821	Ministry for the Environment
23 April 2026	MARKED UP Updating RMA national direction - Papakāinga - further policy decisions 26-BRF-00997	Ministry for the Environment

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

- Section 9(2)(a) to protect natural persons' privacy
- Section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by Ministers and officials

Section 9(2)(h), to maintain professional legal privilege.

[© Crown Copyright, Creative Commons Attribution 4.0 International \(CC BY 4.0\)](#)

In Confidence

Office of the Minister Responsible for RMA Reform

Chair, Cabinet Legislation Committee

Updating RMA National Direction – NES for Papakāinga – Approval for submission to Executive Council

Proposal

- 1 This paper seeks Cabinet authorisation to submit new Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 (NES-P) to the Executive Council.

Relation to government priorities

- 2 These new regulations deliver on the Government's commitment to unlock land for housing, build infrastructure and allow communities to share the benefits of growth (National Party policy, Coalition Agreement National Party/Act).

Executive Summary

- 3 On 1 July 2024 Cabinet agreed to develop and amend a large suite of Resource Management Act 1991 (RMA) national direction [CAB-24-MIN-0246 refers] and, on 12 May 2025, agreed to commence public notification and statutory consultation on 16 proposed new and amended national direction instruments [CAB-25-MIN-0151 refers].¹ This programme of change to RMA national direction is the biggest in New Zealand's history. It will have an immediate impact on the performance of the current resource management system, removing barriers for infrastructure, development and primary sector activities and making consenting less complex and costly, while supporting the transition to the new planning system.
- 4 Discussion documents on the proposed national direction were released in May 2025 for eight weeks of public consultation. Fourteen new or amended national direction instruments have been gazetted since December 2025 [CAB-25-MIN-0476², CAB-26-MIN-0113³ and CAB-26-MIN-0148⁴ refer].
- 5 Including this NES-P, three national direction instruments remain to finish this major programme of change. I seek Cabinet authorisation to submit the drafted proposed

¹ The proposed national direction was split across three packages: Package 1: Infrastructure and development national direction, Package 2: Primary sector national direction, Package 3: Freshwater national direction. Package 4 was on Going for Housing Growth policy and how it will be implemented in the new system. Statutory consultation on the proposals in package 1 and package 2, and non-statutory consultation on package 3 ran from 29 May 2025 to 27 July 2025. Non-statutory consultation on package 4 ran from 18 June to 17 August 2025.

² This included the notification of three new instruments (National Environmental Standards for Detached Minor Residential Units, National Policy Statement for Natural Hazards and National Policy Statement for Infrastructure) and seven amended instruments (National Policy Statement for Highly Productive Land, New Zealand Coastal Policy Statement, National Policy Statement for Indigenous Biodiversity, National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater, National Policy Statement for Renewable Electricity Generation, National Policy Statement for Electricity Networks).

³ This included the notification of the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities, and Stock Exclusion Regulations.

⁴ This included the notification of the National Environmental Standards for Marine Aquaculture and the National Environmental Standards for Commercial Forestry.

NES-P to the Executive Council. I am satisfied that the statutory requirements have been met.⁵

- 6 I have considered the submissions and recommendations report for the proposed NES-P and made final decisions in consultation with relevant portfolio Ministers under the authority granted by Cabinet [CAB-25-MIN-0151 refers]. I have also recently made decisions under section 44(2)(b) of the RMA to better enable transition to the new resource management system. Officials have worked closely with the Parliamentary Counsel Office (PCO) to draft the instrument.
- 7 Subject to approval by the Executive Council, the proposed NES-P (appendix 1) will be gazetted on 4 June 2026 and come into force 28 days later on 2 July 2026.

Policy

- 8 Progressing the NES-P will unlock land for housing and allow communities to share the benefits of growth by providing more housing choice. It will enable Māori to develop papakāinga more efficiently and quickly. The regulations will introduce a consistent national framework that will reduce consenting inconsistencies, remove planning barriers, and make consenting less costly and complex. This will address inconsistent rules for building papakāinga in district and unitary plans, which have previously contributed to Māori landowners being unable to use their land to house their whānau, exercise autonomy over their whenua and build wealth.
- 9 I have considered the submissions and recommendations report on the proposed instrument and have made final policy decisions to improve clarity, workability and consistency. I have discussed these changes with relevant portfolio Ministers, consistent with the authority previously granted by Cabinet [CAB-24-MIN-0246 refers].
- 10 I confirm that the PCO has drafted the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 (appendix 1), to enact my policy decisions above.

Timing and 28-day rule

- 11 Subject to approval by the Executive Council, the NES-P will be gazetted on 4 June 2026 and will come into force on 2 July 2026. In accordance with section 114 of the Legislation Act 2019 and Standing Order 325A, the instrument will be presented to the House of Representatives within 20 working days of being made.

Compliance

- 12 The instrument complies with:
- 12.1 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 12.2 the principles and guidelines set out in the Privacy Act 2020
 - 12.3 relevant international standards and obligations

⁵ The statutory requirements referred to sit under sections 44 and 46A of the RMA. These sections set out the process for developing national direction.

- 12.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 13 I am satisfied that the consultation undertaken for the instrument met statutory requirements and provided appropriate opportunities for engagement with the public and iwi authorities. Te Puni Kokiri conducted targeted consultation with council planners experienced in applying papakāinga rules, Māori planners, papakāinga experts and Māori landowners, including some iwi and hapū. The requirements of sections 44 and 46A of the RMA have been met.
- 14 Public notification of the reports and recommendations made under section 46A(1)(c) of the RMA on the proposed NES-P occurred on 4 May 2026.
- 15 I therefore recommend that Cabinet authorises submission of the instrument to the Executive Council.

Principles of the Treaty of Waitangi

- 16 The Crown has ongoing commitments to iwi and hapū through deeds of settlement, settlement legislation, and other relevant arrangements. Consultation and Treaty impact analysis prepared for the proposed NES-P have informed my policy decisions and the associated regulatory impact statement (RIS).
- 17 The proposed NES-P will reduce inconsistency in how councils recognise and provide for Māori rights and interests with respect to papakāinga. It will support a more Treaty-compliant resource management system by improving equity in housing outcomes, enabling Māori landowners to exercise autonomy over whenua Māori, and recognising the connection Māori have with the land and their traditional approach to housing and community. The regulations will not alter Treaty settlement mechanisms or existing obligations on decision-makers.

Certification by Parliamentary Counsel

- 18 The Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 have been drafted and certified by PCO as being in order for submission to Cabinet.

Impact analysis

Regulatory Impact Statement

- 19 A RIS has been prepared to support the proposed NES-P and informed my final policy decisions. The RIS has been updated to reflect submissions and subsequent information. The final RIS, including quality assurance statement, is attached as appendix 2.
- 20 The RIS for the proposed NES-P was independently reviewed by a quality assurance panel. The panel involved officials from the Ministry for the Environment.
- 21 The RIS received a quality assurance rating of “partially meets” (appendix 2).

Climate Implications of Policy Assessment

- 22 The Climate Implications of Policy Assessment (CIPA) team has been consulted, and based on the information available, confirms that the CIPA requirements do not apply to this policy proposal as the thresholds for significance are not met.

Publicity

- 23 The regulations will be publicised through notice to submitters, local authorities, Government website updates, and letters to post-settlement governance entities.

Proactive Release

- 24 I propose to proactively release the Cabinet paper with redactions in line with the Official Information Act 1982.

Consultation

- 25 Officials consulted local authorities, iwi authorities, Government agencies and key stakeholders through the policy development stage for the instrument. Public consultation on the proposals met the statutory requirements of sections 46A(1) and (2) of the RMA.
- 26 The Ministry for the Environment has provided a draft of this paper to agencies who report to a Minister with either portfolio responsibilities⁶ or related responsibilities and considered feedback received.

Recommendations

The Minister Responsible for RMA Reform recommends that the Cabinet LEG Committee:

- 1 **note** that I am satisfied the statutory requirements under the Resource Management Act 1991 to recommend making national direction have been met, including:
- 1.1 notification of the proposal under sections 46A(1) and (2)
 - 1.2 consideration of the report on submissions and recommendations for the proposal under sections 46A(1)(c) and 44(2)(a)
- 2 **note** that I have made final policy decisions to amend the proposal under section 44(2)(b) of the Resource Management Act 1991, in consultation with relevant portfolio Ministers, under the authority granted by Cabinet [CAB-25-MIN-0151 refers]
- 3 **note** that the Parliamentary Counsel Office has certified the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 as being in order for submission to Cabinet

⁶ Agencies provided with a draft of this paper include the Department of Conservation, Ministry of Housing and Urban Development, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Treasury, Ministry for Primary Industries, Ministry of Justice, Ministry for Culture and Heritage, Ministry of Transport, Ministry of Education, Health New Zealand, Te Puni Kōkiri, Department of Prime Minister and Cabinet, Ministry for Regulation, Parliamentary Counsel Office, Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau and Land Information New Zealand.

IN CONFIDENCE

- 4 **authorise** submission of the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 to the Executive Council for recommendation to the Governor-General in Council for approval under section 43(1) of the Resource Management Act 1991 subject to Cabinet agreement
- 5 **note** that the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 give effect to the policy decisions referred to in recommendation 2 and are proposed to come into force on 2 July 2026
- 6 **note** that the requirements of section 44(1)(b) of the Resource Management Act 1991 to publicly notify the reports and recommendations made under section 46A(1)(c) for the proposal occurred in May prior to the gazettal of the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026
- 7 **note** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

IN CONFIDENCE

Appendices

Appendix 1: Resource Management (National Environmental Standards for Papakāinga) Regulations 2026

Appendix 2: Final Regulatory Impact Statement: Enabling papakāinga through the resource management system



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Resource Management (National Environmental Standards for Papakāinga) Regulations 2026

Portfolio **RMA Reform**

On 28 May 2026, the Cabinet Legislation Committee:

- 1 **noted** that in May 2025, the Cabinet Economic Policy Committee (ECO) agreed to consult on four packages of amendments to national direction instruments, and authorised the Minister Responsible for RMA Reform (the Minister) to make final policy and drafting decisions, in consultation with relevant portfolio Ministers [ECO-25-MIN-0059];
- 2 **noted** that the Minister has made final policy decisions to amend the proposal under section 44(2)(b) of the Resource Management Act 1991 (the RMA), in consultation with relevant portfolio Ministers;
- 3 **noted** that the Minister is satisfied the statutory requirements under the RMA to recommend making a national direction have been met, including:
 - 3.1 notification of the proposal under sections 46A(1) and (2);
 - 3.2 consideration of the report on submissions and recommendations for the proposal under sections 46A(1)(c) and 44(2)(a);
- 4 **noted** that the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 give effect to the policy decisions referred to in paragraph 2 above and come into force on 2 July 2026;
- 5 **noted** that the requirements of section 44(1)(b) of the RMA to publicly notify the reports and recommendations made under section 46A(1)(c) were met in May 2026, prior to the gazettal of the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026;
- 6 **authorised** submission of the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 [PCO 28774/2.0] to the Executive Council;
- 7 **noted** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Hon David Seymour
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Mark Mitchell
Hon Todd McClay
Hon Tama Potaka
Hon Simon Watts
Hon Brooke van Velden
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Hon Scott Simpson
Hon Cameron Brewer
Hon Mike Butterick
Hon Andrew Hoggard
Stuart Smith, MP

Officials present from:

Officials Committee for LEG
Office of the Attorney-General
Office of the Leader of the House



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 29 May 2026

On 2 June 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 29 May 2026:

Out of scope



LEG-26-MIN-0110

**Resource Management (National Environmental
Standards for Papakāinga) Regulations 2026**
Portfolio: RMA Reform

CONFIRMED

Out of scope



Out of scope



Rachel Hayward
Secretary of the Cabinet



BRIEFING

Updating RMA National Direction – Ministerial consultation on draft Cabinet legislation paper – New NES for Papakāinga

Date:	30 April 2026	Priority:	High
Security classification:	In Confidence	Tracking number:	26-BRF-00821

	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Approve the attached draft Cabinet legislation paper	8 May 2026

Action for Minister's Office staff

Note any changes required to the draft Cabinet legislation paper and/or

Circulate the attached draft Cabinet legislation paper for ministerial comment and

Return the signed briefing to the Ministry for the Environment (ema.pct@mfe.govt.nz and advice@mfe.govt.nz).

Appendices and attachments

Appendix 1: Draft 'Updating RMA national direction – NES for Papakāinga – Approval for submission to Executive Council' (26-CAB-00820)

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jo Gascoigne	General Manager	027 531 7202	
Kate Sedgley	Manager	022 076 4508	✓
Ruby Maurice	Author		

The following departments/agencies have been consulted

Te Puni Kōkiri

Minister's office to complete:

- | | | |
|--|---|------------------------------------|
| ☐ Noted | ☐ Approved | ☐ Declined |
| ☐ Overtaken by Events | ☐ Needs change | ☐ Seen |
| | ☐ See Minister's Notes | ☐ Withdrawn |

Minister's Comments



BRIEFING

Updating RMA National Direction – Ministerial consultation on draft Cabinet legislation paper – New NES for Papakāinga

Date:	30 April 2026	Priority:	High
Security classification:	In Confidence	Tracking number:	26-BRF-00821

Purpose

1. This briefing seeks your agreement to circulate your draft *‘Updating RMA National Direction – NES for Papakāinga – Approval for submission to Executive Council’* [26-CAB-00820] (Cabinet legislation paper) for concurrent ministerial and agency consultation.

Key points

2. You have made final policy decisions on the new National Environmental Standards for Papakāinga (NES-P) under Cabinet delegated power to act, in consultation with relevant portfolio Ministers [CAB-25-MIN-0151 refers]. These decisions are being drafted by the Parliamentary Counsel Office (PCO) into secondary legislation for Cabinet consideration.
3. The Ministry for the Environment has led the preparation of your draft Cabinet legislation paper and proposed new regulations, with input from Te Puni Kōkiri.
4. The proposed regulations allow papakāinga on some rural land, residential zones, and Māori purpose zones, subject to certain conditions. They introduce a nationally consistent planning framework that responds to the inconsistent provision for papakāinga in district and unitary plans, which has contributed to Māori landowners not being able to use their land to house their whānau, exercise autonomy over whenua Māori and build wealth. The regulations are designed to enable both housing capacity and choice.
5. Your draft Cabinet legislation paper (appendix 1) progresses the making of the instrument as the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026. Subject to your agreement, final versions of the paper and instrument will be provided to the Cabinet Office by 21 May 2026 for consideration by the Cabinet Legislation Committee on 28 May 2026.
6. You recently made a small number of changes under section 44(2)(b) of the RMA to your earlier 2025 decisions on the proposed NES-P [BRF-6875 refers] to better enable transition to the new planning system [26-BRF-00997 refers]. A draft of the instrument incorporating your latest decisions will be provided prior to ministerial and agency consultation.
7. We propose that ministerial and agency consultation occur in parallel between 12 – 19 May 2026 to achieve Cabinet consideration on 2 June 2026. Your draft Cabinet paper has holding text for agency comment; however, we do not anticipate any significant feedback at this stage in the process.

8. A Regulatory Impact Statement (RIS) has been prepared to support the proposal. It was independently reviewed by a quality assurance panel that that was made up of officials from the Ministry for the Environment and achieved a “partially meets”.
9. The release and public notification of the report on recommendations and decisions relating to the proposed NES-P will occur on 4 May 2026 [26-BRF-00416 refers], fulfilling legal requirements under section 44(1)(b) of the Resource Management Act 1991 (RMA).
10. Subject to Cabinet decisions, the instrument is expected to be gazetted on 4 June 2026 and come into force on 2 July 2026.

Recommended actions

The Ministry for the Environment recommends that you:

- | | |
|---|-------------------------|
| 1. Approve the draft 'Updating RMA National Direction – NES for Papakāinga - Approval for submission to Executive Council' [26-CAB-00820] (Cabinet legislation paper) for concurrent ministerial and agency consultation | <i>Agree / Disagree</i> |
| 2. Forward the draft Cabinet legislation paper to your ministerial colleagues for comment | <i>Agree / Disagree</i> |
| 3. Note that ministerial and agency consultation needs to occur in parallel between 12 – 19 May 2026 to achieve Cabinet consideration on 2 June 2026 | <i>Noted</i> |
| 4. Note that the drafting of the instrument is being updated to reflect your recent decisions [BRF-00997 refers] and will be provided to your office prior to ministerial and agency consultation. | <i>Noted</i> |



Jo Gascoigne
General Manager
Resource Management System, Ministry for the Environment

30 / 04 / 2026

Hon Chris Bishop
Minister Responsible for RMA Reform

___ / ___ / 2026

Draft Cabinet legislation paper package

1. Your draft '*Updating RMA National Direction – NES for Papakāinga – Approval for submission to Executive Council*' Cabinet legislation paper (appendix 1) currently contains the RIS. A draft of the instrument will be added to the Cabinet paper prior to ministerial and agency consultation. The final version will be lodged with the Cabinet Office. This information is required to be considered by the Executive Council and Governor-General.

Te Tiriti Analysis

2. Treaty impacts of the proposed instrument were assessed throughout the policy development phase [BRF-5489, BRF-6875, and 26-BRF-00997 refers].

Next steps

3. Subject to your agreement, agency and ministerial consultation will occur on your draft Cabinet legislation paper simultaneously between 12 to 19 May 2026.
4. Your final decisions on 26-BRF-00997 will be incorporated into drafting prior to ministerial and agency consultation.
5. PCO will lodge the final instrument with the Cabinet Office once its quality assurance processes have been completed.
6. Your final Cabinet paper will be lodged with the Cabinet Office on 21 May 2026 and considered by the Cabinet Legislation Committee on 28 May 2026 followed by Cabinet on 2 June 2026.
7. Subject to Cabinet decisions, the instrument will be submitted to the Governor-General in the Executive Council on 2 June 2026 and is expected to be gazetted on 4 June 2026 with legal effect 28 days later from 2 July 2026. The Ministry for the Environment will notify all submitters, councils and relevant post settlement governance entities.
8. The release and notification of the report and recommendations prepared under section 46A(1)(c) of the Resource Management Act 1991 (RMA) for the proposed National Environmental Standards for Papakāinga (NES-P) will occur on 4 May 2026 [BRF-00416 refers], before the NES-P is recommended to the Governor-General, fulfilling the statutory requirement under section 44(1)(b) of the RMA.

Appendices

Appendix 1: Draft 'Updating RMA national direction – NES for Papakāinga – Approval for submission to Executive Council' Cabinet legislation paper [26-CAB-00820], with appendices:

Appendix 1: Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 [placeholder – to be provided once PCO have incorporated recent decisions from BRF-00997]

Appendix 2: Final Regulatory Impact Statement: Enabling papakāinga through the resource management system

**Appendix 1: Draft '*Updating RMA national direction – NES for Papakāinga – Approval for submission to Executive Council*'
Cabinet legislation paper**



BRIEFING

Updating RMA national direction: Papakāinga - further policy decisions

Date:	23 April 2026	Priority:	Urgent
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00997

	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Approve the attached briefing	28 April 2026

Action for Minister's Office staff

Forward this briefing to Minister Potaka for consultation.

Return the signed briefing to the Ministry for the Environment (ema.pct@mfe.govt.nz and advice@mfe.govt.nz).

Appendices and attachments

Appendix 1: Further statutory decisions – Amendment to decisions for proposed National Environmental Standard for Papakāinga

Appendix 2: Clause 14 of the proposed Planning Bill as introduced

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jo Gascoigne	General Manager	027 531 7202	
Kate Sedgley	Manager	022 076 4508	✓
Rachel Ducker	Authors		

The following departments/agencies have been consulted

Te Puni Kōkiri

Minister's office to complete:

- | | | |
|--|---|------------------------------------|
| ☐ Noted | ☐ Approved | ☐ Declined |
| ☐ Overtaken by Events | ☐ Needs change | ☐ Seen |
| | ☐ See Minister's Notes | ☐ Withdrawn |

Minister's Comments

BRIEFING

Updating RMA national direction: Papakāinga - further policy decisions

Date:	23 April 2026	Priority:	Urgent
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00997

Purpose

1. This briefing seeks further policy decisions on minor corrections and changes to the proposed National Environmental Standards for Papakāinga (NES-P) to better enable transition to the new planning system.

Key points

2. On 14 December 2025 you made policy decisions on the proposed NES-P [BRF- 6875 refers].
3. Following your agreement¹ to further testing officials have identified opportunities to improve the NES-P to better enable transition to the new system. Any changes to proposals need to meet the statutory requirements of the Resource Management Act 1991 (RMA) including considering RMA Part 2 matters.
4. Under the Planning Bill, clause 14(1) requires disregarding ‘the internal and external layout of buildings on a site (for example, the provision of private open space)’ and ‘the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature’.
5. Officials recommend amending certain matters of discretion used to assess proposals for restricted discretionary activities in the proposed NES-P to ensure they:
 - a. remove matters of discretion related to provision of private open space,
 - b. remove general consideration of amenity and character, the design and appearance of new or extended structures, and
 - c. better particularise the matters to be managed and addressed through a consenting process.
6. While the recommendations propose to remove references to the term ‘amenity’ from the matters of discretion, this still meets the requirement to consider ‘amenity values’ in section 7(c) in Part 2 of the RMA. The matters which are typically considered when assessing amenity values, such as building bulk, privacy and shading are intended to be more clearly articulated instead of using the term ‘amenity’.
7. Officials also seek your agreement to limit assessment to the conditions breached where proposals of up to ten residential units do not meet permitted activity conditions. Officials

¹ Decision on testing policy decisions on RMA National Direction in weekly update on 3 April 2026.

also recommend replacing a number of other terms with well recognised planning terms (eg, replace intensity of development with building coverage).

8. You have Cabinet authority to make further policy decisions provided you consult with ministerial colleagues [CAB-25-MIN-0151 refers] which in this case is the Minister of Conservation, Minister Potaka.
9. In addition, Ministerial and agency consultation will occur on your Cabinet paper ahead of the intended Legislation Committee meeting on 28 May 2026 and Cabinet consideration on 2 June 2026. Your decision on these recommendations is required to enable the Parliamentary Counsel Office to make any drafting changes ahead of lodging your Cabinet paper for the legislation committee on 21 May 2026.
10. If you agree to make policy decisions to amend the NES-P proposal, officials will prepare an addendum to the corresponding recommendations and decisions report and prepare a further briefing for your consideration.

Recommended action

The Ministry for the Environment recommends that you:

- | | |
|---|-------------------------|
| 1. Agree to make the changes to policy decisions [BRF-6875 refers] on the NES-P proposal under section 44(2)(b) of the RMA, by amending the matters of discretion for considering restricted discretionary resource consent applications provided in Appendix 1. | <i>Agree / Disagree</i> |
| 2. Agree to amend decision 41 to limit consideration of papakāinga proposals for a restricted discretionary activity for 10 or less residential units to the matters breached. | <i>Agree / Disagree</i> |
| 3. Agree to forward this briefing to Minister Potaka in line with Cabinet requirement [CAB-25-MIN-0151 refers] for you to consult with Ministerial colleagues. | <i>Agree / Disagree</i> |
| 4. Note that the recommended changes to the proposed NES-P continue to meet Part 2 of the RMA. | <i>Noted</i> |
| 5. Note that any changes to policy decisions on the proposed NES-P will require an addendum to the recommendations and decisions report for the NES-P you previous approved [26-BRF 00416 refers]. | <i>Noted</i> |



Jo Gascoigne
General Manager
Resource Management System
Ministry for the Environment

23 / 04 / 2026

Hon Chris Bishop
Minister Responsible for RMA Reform

___ / ___ / 2026

Background

1. On 14 December 2025 you made statutory policy decisions on the proposed National Environmental Standards for Papakāinga (NES-P) [BRF-6875 refers].
2. The Parliamentary Counsel Office (PCO) is drafting the NES-P instrument, based on your policy decisions.
3. This briefing has been prepared in response to your decision² to test NES-P policy decisions to better enable transition to the new planning system.

Opportunity to amend NES Papakāinga proposal

Matters of discretion for restricted discretionary activity rules could be amended to better align with the effects to be disregarded in clause 14 of the Planning Bill

4. Clause 14(1) of the Bill (refer to extract in appendix 2) requires disregarding certain matters including:
 - a. the internal and external layout of buildings on a site (for example, the provision of private open space); and
 - b. the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature.
5. A cornerstone of updating Resource Management Act 1991 (RMA) national direction was ensuring it could transition into the new planning system. Officials have identified an opportunity to amend rules to align with clause 14 of the Planning Bill, while still allowing consideration of Part 2 matters and potential adverse environmental effects under the RMA.
6. Drafting of the NES-P has commenced. Further policy decisions to better align matters of discretion for restricted discretionary activities with the effects to be disregarded in clause 14 of the Planning Bill can be incorporated for Cabinet consideration of the final instrument in early June 2026. These opportunities, along with technical corrections and other minor changes, are discussed below.

Replace matters of discretion to consider the ‘balance of open space and buildings’ and ‘building height and scale that matches the character anticipated for the site in the underlying zone’ with consideration of building height, bulk and building coverage

7. Based on your current decisions,³ consideration of the ‘balance of open space and buildings’ would be required for certain papakāinga development.⁴ A further

² Weekly Update 3 April 2026.

³ BRF-6875 decisions 41, 45, 47, 51, 53 refers.

⁴ This includes papakāinga development of up to ten residential units that does not meet permitted activity conditions, is on land owned by a post-governance settlement entity, non-residential ancillary activities, papakāinga development outside zones where they are permitted and papakāinga development of 11 to 30 residential units.

consideration of 'building height and scale that matches the character anticipated for the site in the underlying zone⁵ is also required for the same type of papakāinga development.

8. The 'balance of open space and buildings' matter of discretion may create uncertainty in its current form. Character must be disregarded under clause 14 of the Planning Bill, and including character in this matter of discretion may create difficulties when translating the NES-P into the new planning system. Officials recommend combining these two matters of discretion into a single matter requiring consideration of 'building height, bulk and building coverage'. This would provide greater certainty by identifying the direct effects to be considered, and would be consistent with clause 14 of the Planning Bill.

Amend matters of discretion for site permeability to refer to adequacy of stormwater disposal

9. Your decisions proposed site permeability as a matter of discretion so councils can assess whether certain papakāinga proposals retain sufficient area free from buildings and hard surfaces to provide for on-site drainage, or could connect to existing public stormwater infrastructure. Officials recommend replacing this with consideration of the 'adequacy of the proposed stormwater disposal method' to provide greater certainty and flexibility to consider both public and on-site stormwater disposal.

Replace matters of discretion to consider amenity effects on adjoining properties to be more specific and targeted to ensure that land use does not unreasonably affect adjoining properties and separates incompatible land uses

10. Your decisions for certain proposals require consideration of effects on the amenity of adjoining properties. This matter of discretion would not align with the effects proposed to be disregarded under clause 14(1)(a) of the Planning Bill.
11. Officials recommend that this matter of discretion is replaced with consideration of more specific matters that aim to ensure that the activity does not unreasonably affect adjoining properties and separates incompatible land uses. These matters are recommended to include consideration of effects of building bulk, privacy and shading.

Amend the proposal to replace the matter of discretion for non-residential ancillary development that refers to the intensity of development to refer to consideration of building coverage

12. Your current decision⁶ relating to non-residential development ancillary to papakāinga development refers to considering the 'intensity' of this development. Officials recommend that this is amended to 'building coverage' to improve the clarity of the matter of discretion.

Amend the proposal to replace the matter of discretion to consider the potential amenity effects of indoor primary production, mining and quarrying or rural industry on papakāinga residents to refer to the potential noise or odour effects

⁵ BRF-6875 decisions 41, 45, 47, 51 and 53 refers.

⁶ BRF-6875 decision 47 refers.

13. Your current decision⁷ relating to the potential effects of intensive indoor primary production, mining, quarrying, or rural industry refers to considering the amenity of papakāinga residents. Officials recommend replacing this with a reference to 'the potential noise and odour effects' as this is more specific to the effects which may be generated by those activities.

Amend the proposal to remove references to matters of discretion requiring consideration of the adequacy of outdoor living spaces

14. Consideration of 'outdoor living providing useable space and access to sunlight' as a matter of discretion would be required for proposals for certain papakāinga development⁸ based on your current decisions.⁹ This matter of discretion is commonly used for multi-unit development in district or unitary plans but does not align with the scope of effects to be disregarded under clause 14(1)(a) of the Planning Bill.
15. Officials consider that this matter of discretion should be removed from the proposal. Shared outdoor space is common in papakāinga development and landowners would be expected to plan outdoor living spaces that are appropriate for future residents. 9(2)(h)

Matters of discretion for breaches of permitted activity standards for up to ten papakāinga units are recommended to be limited to the rule breach

16. Your previous decision¹⁰ for papakāinga development of up to ten residential units requires a resource consent for a restricted discretionary activity consent where the activity does not meet permitted activity conditions.
17. Officials recommend amending this, so the matters of discretion apply only to the specific condition(s) breached (eg, exceeds building coverage; does not meet minimum setbacks; or does not comply with applicable district plan rules (as set out in decisions 2 and 3)). 9(2)(h) It will simplify application and consenting processes for this rule and is consistent with good practice.

General Assessment

18. These changes are within the scope of the notified proposal for the NES-P and the recommendations made are based on matters raised in submissions and further analysis of the proposal.
19. 9(2)(h)

⁷ BRF-6875 decision 55(3) refers.

⁸ This includes papakāinga development of up to ten residential units that does not meet permitted activity conditions, is on land owned by a post-governance settlement entity, papakāinga development of up to 30 residential units on Māori ancestral land, papakāinga development of between 11 and 30 residential units on Māori ancestral land and papakāinga development of up to 30 residential units located next to intensive indoor primary production, mining, quarrying, or rural industry.

⁹ BRF-6875 decisions 41(4), 45(6), 51(6), 53(6) and 55(6) refers.

¹⁰ BRF-6875 decision 40 refers.

Te Tiriti analysis

Impact of amendments to NES-P on Māori rights and interests and Treaty settlement legislation

20. Treaty Impact Analyses have informed policy advice, regulatory impact statements and your final policy decisions.
21. Recommended amendments to the NES-P do not change existing statutory obligations on decision-makers to recognise and provide for Māori rights and interests under Part 2 of the RMA.
22. Officials' assessment of the NES-P proposal's Treaty impacts, including the proposed policy amendments in this brief, is that it would support a more Treaty-compliant resource management system by:
 - a. promoting equitable outcomes from resources (improving equity between Māori and non-Māori citizens in housing outcomes and by making it easier for Māori landowners to use and gain value from their land)
 - b. promoting mana motuhake for Māori landowners over their whenua
 - c. recognising the connection that Māori as tangata whenua have with the land and their traditional approach to housing and community.
23. While several Treaty settlements include provisions relevant to national direction and decision-making under the resource management system, the subject matter and scope of these amendments do not engage those settlement mechanisms. On that basis, the previous conclusion still stands: no impacts on Treaty settlement redress, settlement legislation, or associated governance or engagement arrangements have been identified at this stage. The proposal does not alter the operation, status, or effect of Treaty settlement commitments (including Te Ture Whaimana and Te Awa Tupua), and existing settlement obligations will continue to apply unaffected.
24. Overall, the amendments are not expected to materially change how councils consider Māori rights and interests including Treaty Settlement obligations in planning or consenting decisions.

Next steps

25. Subject to your decisions in this paper we will work with PCO to update the relevant drafting. Your decisions will be included in a recommendations and decisions report addendum, which we expect to provide once any future changes to your decisions on NES-Electricity Network Activities and NES-Telecommunication Facilities are made. We expect to provide you a draft Cabinet paper for the NES-P on 12 May 2026 to support Ministerial consultation.

Appendices

Appendix 1: Further statutory decisions – Amendment to decisions for proposed National Environmental Standard for Papakāinga

Appendix 2: Clause 14 of the proposed Planning Bill as introduced

Appendix 1

Further statutory decisions– Amendments to decisions for Proposed National Environmental Standards for Papakāinga

You made final policy decisions (BRF-6875 refers) on the NES-P.

We have taken the opportunity to improve consistency of text and effects to consider with the proposed Planning Bill, to make it easier to transition into the new system.

Recommended wording changes are shown in the table below using strike-through for deleted text and highlighted bold for new text.

These amendments relate to restricted discretionary rules and the associated matters of discretion for consideration of applications for resource consent. The matters of discretion help applicants and decision makers focus on the issues most likely to cause more than minor adverse effects, and support more consistent decisions.

NOTIFIED PROPOSAL		RECOMMENDATIONS TO AMEND EXISTING DECISIONS ON NEW NATIONAL ENVIRONMENTAL STANDARD FOR PAKAKAINGA			
Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
DECISIONS 1-5 Where would it apply	This NES is proposed to apply to the whole of New Zealand.				
DECISIONS 6-33 Definitions	Various		No change recommended	No change	N/A

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
DECISIONS 34 - 36 Permitted Activity Rules	1. Papakāinga development of up to 10 residential units on Māori ancestral land in a zone for rural or residential purposes or zone for Māori purposes 2. Ancillary non-residential activities 3. Māori cultural activities		No change recommended	No change	N/A
DECISIONS 37 - 38 Permitted Activity Standards	1. Maximum building coverage 2. Minimum setbacks from site boundaries 3. Applicable rules of the underlying zone		No change recommended	No change	N/A
DECISION 39 Monitoring of Permitted Activities	Territorial authorities will be required to include information on the number of papakāinga developed under PA1 and PA2, and other implementation issues, in regular reporting to Ministry for the Environment.		No change recommended	No change	N/A
DECISION 40 RD1 Papakāinga developments that do not comply with activity conditions or standards	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the permitted activity standards PA1 and PA2 are proposed to be a restricted discretionary activity. RDM1 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities.	No change recommended	No change	N/A
DECISION 41 RDM1 Proposed	Proposed matters of discretion: whether the additional building coverage is appropriate in its context;	Restricted discretionary activities.	Change 41. Amend the proposal to provide for the matters of discretion for restricted	Amendments are recommended to clarify the intent of the matters of discretion.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
matters of discretion	the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and the extent to which alternative options for siting the papakāinga are available to the landowners (eg, if setbacks on a narrow site will mean the site cannot be used).		discretionary activities (RD1), ensuring that the matters of discretion only apply to the specific condition/s breached to achieve the following intent: 1. Whether non-compliance with PAS1-2 and/or the applicable rules in the district plan or district component of a combined plan: a. is appropriate to its context taking into account: i. whether the building height, bulk and building coverage of the papakāinga development achieves a balance of open space and buildings achieves a balance of open space and buildings and ii. the adequacy adequately provides for site permeability of the proposed stormwater disposal method; iii. whether the height and scale of buildings is consistent with the character anticipated for the site in the underlying zone in a district or combined plan; iii. the need for access for emergency services; and iv. effects on: - land and water catchments; - outstanding natural landscapes and features; public access to the coast lakes and rivers; - historic heritage; - the amenity of adjoining properties with regard to privacy, outlook and shading and visual dominance on adjoining properties; and	While this matter was not consulted on in the notified NES-P proposal, this does not create any additional legal risk. It will result in simplified application and consenting processes. It is consistent with good practice. Officials recommend amalgamating matters 1 a. i. and iii. to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' refers to the consideration of proposed building coverage in the particular setting. The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or adequacy of the on-site stormwater drainage where a connection to a public drainage system is unavailable. The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'. Officials recommend amending 41. 1. a. iv. to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to 'outlook' means visual dominance (associated with bulk) of a development and not general matters of building design.	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			- the safe and efficient operation and functioning of the transport network v. the effect of any measures proposed to mitigate visual dominance from building height, scale, or building coverage including those based on mātauranga Māori No change to recommendations 2 and 3. 4. Amend the proposal to remove the matter of discretion: The extent to which outdoor living spaces provide useable space and enable access to sunlight.	Decision 4 is recommended to be rescinded as the landowners would be expected to consider the form and location of outdoor living spaces that would be appropriate for future papakāinga residents.	
Decisions 42 Papakāinga developments that do not comply with the applicable rules in the district or unitary plan	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the applicable rules in the underlying zone (see PAS3) are proposed to be a restricted discretionary activity. RDM2 describes the matters for discretion for decisions on these activities.		No change recommended	No change	N/A
DECISION 43-44 RD3 Papakāinga development on Treaty settlement land	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments of up to 30 residential units on Treaty settlement land are proposed to be a restricted discretionary activity.	Restricted discretionary activities.	No change recommended	No change	N/A

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
	RDM3 describes the matters for discretion for decisions on these activities.				
Decision 45 RDM3 Proposed matters of discretion	Proposed matters of discretion: the extent to which the applicant can demonstrate that the land will remain in use as papakāinga in the long term.	Restricted discretionary activities.	Change 45. Amend the proposal to include matters of discretion for a restricted discretionary activity for papakāinga development of up to 30 residential units on land owned by a post-governance settlement entity (RD3) that achieve the following intent: 1. The extent to which the height, scale and intensity building coverage of the papakāinga development, and infrastructure to service it, may cause adverse environmental effects, and these effects can be minimised or remedied, on: a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading, and privacy, shading and visual dominance of adjoining properties with regard to privacy, outlook and shading, and f. the safe and efficient operation and functioning of the transport network.	Officials recommend correcting decision 45 to align with decision 43 for RD3 which refers to up to 30 residential units. This will ensure the matters of discretion apply to the extent they are relevant with higher-scale development likely to require more rigorous consideration than smaller-scale developments. Amendments are recommended to 1e. to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance (associated with bulk) of a development rather than other matters of building design.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: a. is appropriate to its surrounding context taking into account: i. whether the building height, scale and building coverage of the development achieves a balance of open space and buildings and ii. the adequacy of the proposed stormwater disposal method site permeability. iii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan; iv. whether the development mitigates any visual dominance resulting from building height, scale or building 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for: a. the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations; and;	Amalgamating matters 3 a i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting. The reference to 'site permeability' is recommended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available. The reference to character in decision 45 3. a. iii. is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			b. measures proposed to ensure the land will remain in use as papakāinga in the long term. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight.	Decision 45 6. is recommended to be rescinded as these the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents.	
DECISION 46 RD4 Non-residential activities that are not permitted	In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, non-residential activities not included in PA2 are proposed to be a restricted discretionary activity. RDM4 describes the matters for discretion for decisions on these activities.	Restricted discretionary activities.	No change recommended	No change	N/A
DECISION 47 RDM4 Proposed matters of discretion	Proposed matters of discretion: the extent to which the proposed activities: - are ancillary to residential activities; - are compatible with the scale and predominant residential character of the papakāinga development; - affect the amenity of neighbouring properties; and - provide for safe and efficient operation and functioning of the surrounding transport network.	Restricted discretionary activities.	Change 47. Amend the proposal to include matters of discretion for a restricted discretionary activity for non-residential ancillary activities to papakāinga development (RD4) that achieve the following intent: 1. The extent to which the nature, building height, scale, and building coverage intensity of the non-residential ancillary activity may cause adverse environmental effects, and these effects can be minimised or remedied on: a. land and water catchments; b. outstanding natural landscapes and features;	Amendments are recommended to clarify the intent of the matters of discretion. Amendments are recommended to 1 to clarify that the reference to intensity relates to building coverage.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook and shading and visual dominance of adjoining properties; and f. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the non-residential ancillary activities. 3. The extent to which the non-residential ancillary activities: a. are appropriate to the surrounding context taking into account: i. whether the building height, scale and building coverage of the development balance of open space and buildings and ii. the adequacyadequately provides for of the proposed stormwater drainage infrastructure or on-site stormwater drainage permeability; iii. whether the height and scale of buildings is consistent with the character anticipated in the underlying zone in a district or combined plan;	Amendments to 1e. are recommended to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance (associated with bulk) of a development rather than other matters of building design. Amalgamating matters 3 a. i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting. The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available. The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			iv. whether the development mitigates any visual dominance resulting from building height, scale, or building coverage including those based on mātauranga Māori. 4. The social, economic, cultural and wellbeing benefits to landowners and residents likely to result from the ancillary non-residential activity. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations.		
DECISION 48 - 49 RD5 and RDM5 Māori cultural activities that are not permitted	In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, Māori cultural activities not included in PA2 are proposed to be a restricted discretionary activity. RDM5 describes the matters for discretion for decisions on these activities. Proposed matters of discretion: - the extent to which the proposed activities: - support the occupation, development, and use of the land for the benefit of the land's owners, their whānau, hapū, and future generations;		No change recommended	No change	N/A

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
	provide flexibility for Māori to develop and live on their land in accordance with tikanga Māori and mātauranga.				
DECISION 50 RD6 Papakāinga developments outside zones where they are permitted	In any zone other than zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 30 residential units on Māori ancestral land are proposed be a restricted discretionary activity. RDM6 describes the matters for discretion for decisions on these activities	Restricted discretionary activities.	No change recommended	No change	N/A
DECISION 51 RDM6 Proposed matters of discretion	Proposed matters of discretion: Whether the number of residential units, siting or design of buildings is appropriate will be determined considering: the extent to which the development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of the land's owners, their whānau, hapū, and future generations; the extent to which the site has special significance to the owners; the extent to which alternative locations are available for tangata whenua to occupy, use, and develop their land; the extent to which tangata whenua have faced historical barriers to occupying, using, and developing their ancestral lands;	Restricted discretionary activities.	Change 51. Amend the proposal to include matters of discretion for papakāinga development outside zones where they are permitted (RD6) that achieve the following intent: 1. The extent to which the building height, scale and building coverage intensity of the papakāinga development may cause adverse environmental effects, and these effects can be minimised or remedied, on: - land and water catchments - outstanding natural landscapes and features; - public access to the coast lakes and rivers; - historic heritage; - the safe and efficient operation and functioning of the transport network.	Amendments are recommended to decision 51 to clarify the intent of the matters of discretion. Amendments are recommended to 1 to clarify that the reference to intensity relates to building coverage.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
	the extent to which protections for the following matters are adequately maintained: protection of land and water catchments from the effects of the development and occupation of the site; protection of the health and safety of papakāinga residents; ensuring outstanding natural landscapes are not compromised; maintenance of public access to coastal marine areas, lakes and rivers and protection of historic heritage; whether the scale of development significantly changes the overall character of the underlying zone; adjacent properties are protected from and avoid visual domination and loss of privacy and sunlight; and providing for the safe and efficient operation and functioning of the surrounding transport network.		2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: a. Is appropriate to its surrounding context taking into account: i. the nature of land use permitted in the zone and the compatibility of papakāinga development with this land use; ii. whether the building height, scale and building coverage of the development iii. the adequacy of the proposed stormwater disposal method development achieves a balance of open space and buildings and adequately provides for on-site permeability; iv. whether the height and scale of buildings is consistent with the character anticipated for the underlying zone in a district or combined plan; v. whether the development mitigates any visual dominance resulting from building height, scale, or building coverage including those based on mātauranga Māori.	Amending 3a is recommended to correct an error and replace the word 'content' with 'context.' Amalgamating matters 3 a. i to iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to the consideration of proposed building coverage in the particular setting. The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available. The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'.	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga development. 5. Whether the papakāinga development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents.	Decision 51 6. is recommended to be rescinded as the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents.	
DECISION 52 RD7 Papakāinga developments of 11 to 30 residential units	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of 11 to 30 residential units on Māori ancestral land are proposed to be a restricted discretionary activity. RDM6 describes the considerations for decisions on these activities	Restricted discretionary activities.	No change recommended	No change	N/A
DECISION 53 RDM6 Proposed matters of discretion	Proposed matters of discretion (see RDM6 above).	Restricted discretionary activities.	Change 53. Amend the proposal to include matters of discretion (RDM7) for a restricted discretionary activity for papakāinga development of 11 to 30 residential units (RD7) that achieves the following intent: 1. The extent to which the building height, scale and building coverage intensity of the papakāinga development may cause	Amendments are recommended to decision 53 to clarify the intent of the matters of discretion. Amendments to 1 are to clarify that the reference to intensity relates to building coverage.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			adverse environmental effects, and these effects can be minimised or remedied, on: a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the amenity of adjoining properties with regard to privacy, outlook shading and visual dominance; f. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: a. is appropriate to its surrounding context taking into account: i. whether the building height, scale and building coverage of the development; ii. achieves a balance of open space and buildings and adequately provides site permeability the adequacy of the proposed stormwater disposal method; iii. whether the height and scale of buildings is consistent with the character anticipated in the	Amendments to 1e. are proposed to clarify the types of effects that could be considered in relation to adjoining properties and be more explicit that the reference to outlook means visual dominance (associated with bulk) of a development rather than other matters of building design. Amalgamating matters 3 a. i and iii is recommended to streamline the assessment matters and clarify that the reference to a 'balance of open space and buildings' relates to a consideration of proposed building coverage in the particular setting. The reference to 'site permeability' is recommended to be amended to clarify that it means either a connection to the public stormwater drainage system or the on-site stormwater drainage where a connection to a public drainage system is not available.	

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			underlying zone in a district or combined plan; iv. whether the development mitigates any visual dominance resulting from the building height, scale or building coverage including those based on mātauranga Māori. 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight.	The reference to character is not considered necessary as the setting of the site is proposed to be considered in the reference to 'is appropriate to its context'. Decision 53 6. is recommended to be rescinded as these the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents and build this into the design.	
DECISION 54 RD8 Papakāinga development of up to 30 residential units adjacent to intensive indoor primary production, mining, quarrying, or rural industry.	Papakāinga developments of up to 30 residential units are proposed to be a restricted discretionary activity where they are located next to intensive indoor primary production, mining, quarrying, or rural industry. RDM7 describes the considerations for decisions on these activities.	Restricted discretionary activities.	No change recommended	.No change	N/A

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
quarrying, or rural industry					
DECISION 55 RDM7 Proposed matters of discretion	Proposed matters for discretion: the likely effects of the neighbouring activity on the health and safety of papakāinga residents; the effects of the proposed activity on the continued operation, or future expansion of the existing activities in the surrounding area; the size, location and design of open space and the extent to which trees and plantings are utilised for mitigating adverse effects; and the extent to which alternative options for siting the papakāinga are available to the landowners.	Restricted discretionary activities.	Change 55. Amend the proposal to include matters of discretion for a restricted discretionary activity (RD8) for papakāinga development of up to 30 residential units where it is located next to intensive indoor primary production, mining, quarrying activities, or rural industry (RD8) that achieve the following intent: 1. The extent to which the scale and building coverage intensity of the papakāinga development may cause adverse environmental effects, and measures proposed to minimise or remedy these effects, on: a. land and water catchments; b. outstanding natural landscapes and features; c. public access to the coast lakes and rivers; d. historic heritage; e. the safe and efficient operation and functioning of the transport network. 2. The availability and capacity of infrastructure to service the proposed scale of the papakāinga development. 3. The extent to which the papakāinga development: a. is appropriate to its surrounding context taking into account: - the nature of land use located or permitted on adjacent land; and	Amendments are recommended to decision 55 to clarify the intent of the matters of discretion. Amendments to 1 are to clarify that the reference to intensity relates to building coverage. Amendments are recommended to 3. to streamline these matters and align with the wording of other similar matters, and to be more specific on the effects to be managed from those activities.	Yes No

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
			whether this residential use in papakāinga development with this land use; ii. the potential noise and odour effects of intensive indoor primary production, mining, quarrying, or rural industry on the amenity of papakāinga residents and the effect of mitigation measures. 4. The social, economic, cultural and wellbeing benefits to landowners likely to result from the papakāinga. 5. Whether the papakāinga provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of landowners, their whānau, hapū, and future generations. 6. The extent to which outdoor living spaces provide useable space and enable access to sunlight for residents.	Decision 55 6. is recommended to be rescinded as these the landowners would be expected to consider whether outdoor living spaces are appropriate for future residents and build this into the design.	
DECISION 56 Discretionary Activities	Papakāinga developments of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone, shall be a discretionary activity.		No change recommended	.No change	N/A
DECISION 57 Limited notification for papakāinga developments	Notification for papakāinga developments with restricted discretionary activity status is limited to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access		No change recommended	.No change	N/A

Restricted discretionary activities	Proposed provisions	Topic	Amended recommendations	Reasons for amended recommendations	Minister's decision
	a state highway), local authorities and immediate neighbours.				
DECISION 58 District plan rules may be more lenient than the NES	Local authorities may apply methods, including rules, in its district plan that are more enabling of papakāinga developments than those in this NES.		No change recommended	.No change	N/A

Appendix 2: Clause 14 of the Planning Bill as introduced

14 Effects outside the scope of this Act

(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard—

- (a) the internal and external layout of buildings on a site (for example, the provision of private open space):
- (b) negative effects of development on trade competitors, including on competing providers of input goods and services:
- (c) retail distribution effects:
- (d) the demand for or financial viability of a project unless it is a matter to which **section 11(1)(b) or (d)** relates:
- (e) the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature:
- (f) the following matters:
 - (i) the type of residential use; and
 - (ii) the social and economic status of future residents of a new development:
- (g) views from private property:
- (h) the effect on landscape:
- (i) the effect of setting a precedent:
- (j) any matter where the land use effects of an activity are dealt with under other legislation.

(2) This section does not restrict the management of—

- (a) areas of high natural character within the coastal environment, wetlands, lakes, rivers, and their margins:
- (b) outstanding natural landscapes and features:
- (c) sites of significant historic heritage:
- (d) sites of significance to Māori:
- (e) the effects of natural hazards.